

Exhibit JJ

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**STEPHANIE CAPSOLAS and HERNAN
RICARDO ALVARADO on behalf of
themselves and other similarly situated,
Plaintiffs,**

INDEX NO. 10 CV 5595

**v.
PASTA RESOURCES INC. d/b/a BABBO
RISTORANTE ENOTECA, MARIO
BATALI, JOSEPH BASTIANICH,**

Defendants.
-----X

STATE OF NEW YORK :
: ss:
COUNTY OF NEW YORK :

AFFIDAVIT OF AMANDA READE STURGEON

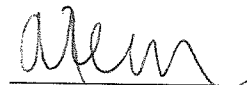
I, Amanda Reade Sturgeon, under penalty of perjury, affirm as follows:

1. I was employed by Pasta Resources, Inc. as a sommelier at Babbo from 2007 to 2009.
2. Throughout my employment I was paid a fixed salary. My salary increased during my employment, and at the time my employment ended, it was roughly \$60,000 per year.
3. Each night, Babbo deducted from the servers' tip-pool an amount equal to 4.5% of the wine sales for that night. On the tip-pool sheet, the names of the sommeliers would appear next to the 4.5% figure that was deducted.
4. However, I did not receive any of these tips while working for Babbo. To be sure, I was paid the same exact amount each week.

5. Babbo apparently tried to conceal this by breaking up my pay on the payroll records as hourly pay plus tips (see attached Exhibit A). Again, my pay did not constitute any tips: I was promised a certain salary, and I made exactly that amount each week, without any fluctuation related to tips.

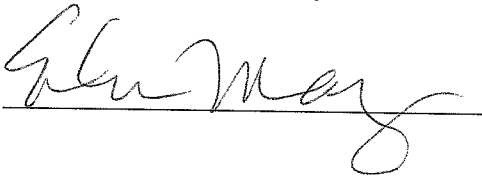
6. When customers tipped me directly, I was required to relinquish those tips to the servers' tip-pool and subsequently received none of those tips.

I affirm, under penalty of perjury, that the above and foregoing information is true and correct.


Amanda Reade Sturgeon

Sworn to before me

this 26th day of July, 2010



EILEEN MANNING
Notary Public, State of New York
No. 01MA6027284
Qualified in QUEENS County
Commission Expires JUNE 28, 2011

Babbo LLC
110 Waverly PL
NEW YORK, NY 10011

Employee Number 5153

AMANDA READE STURGEON

Check Number 47166
Net Pay 796.51
Check Amount 796.51
Division Beverage
Department 400

Earnings Statement

Check Date: February 13, 2009
Period Beginning: February 02, 2009
Period Ending: February 08, 2009

Earnings	Rate	Hours	Amount	YTD Hrs	YTD Amt
Reg	4.6000	40.00	184.00	280.00	1443.81
Chg Tips	0.0000		970.00		6634.19
Meals	0.0000		10.50		73.50
Total Gross Pay		40.00	1164.50	280.00	8151.50

Taxes	Status	Taxable	Amount	YTD Amt
Medicare		1148.03	16.65	116.53
OASDI		1148.03	71.18	498.25
New York, NY (Res)	S/3	1148.03	34.18	239.26
Federal Income Tax	S/3	1148.03	151.19	1058.33
New York SITW	S/3	1148.03	57.87	405.09
NY Disability - EE			0.60	4.20
Total Tax Withholding			331.67	2321.66

Direct Deposits	Account	Amount
No Direct Deposits		

Deductions	Amount	YTD Amt
Qualified Meals	10.50	73.50
AFLAC (Pre-tax)	5.97	41.79
AFLAC (Post-tax)	19.85	138.95
Total Deductions	36.32	254.24

Benefits	Hours	Amount	YTD Hrs	YTD Amt

Accruals	Dollars

PAYROLL BY **CompulPay**

Babbo LLC
 110 Waverly PL
 NEW YORK, NY 10011

Employee Number **5153**

AMANDA READE STURGEON

Check Number **47327**
 Net Pay **806.76**
 Check Amount **806.76**
 Division **Beverage**
 Department **400**

Earnings Statement

Check Date: **February 27, 2009**
 Period Beginning: **February 16, 2009**
 Period Ending: **February 22, 2009**

Earnings	Rate	Hours	Amount	YTD Hrs	YTD Amt
Reg	4.5000	40.00	184.00	360.00	1811.81
Chg Tips	0.0000		970.00		8574.19
Meals	0.0000		10.50		94.50
Total Gross Pay		40.00	1164.50	360.00	10480.50

Taxes	Status	Taxable	Amount	YTD Amt
Medicare		1148.03	16.65	149.82
OASDI		1148.03	71.18	640.60
New York, NY (Res)	S/3	1148.03	34.18	307.62
Federal Income Tax	S/3	1148.03	140.94	1350.46
New York SITW	S/3	1148.03	57.87	520.83
NY Disability - EE			0.60	5.40
Total Tax Withholding			321.42	2974.73

Direct Deposits	Account	Amount
No Direct Deposits		

Deductions	Amount	YTD Amt
Qualified Meals	10.50	94.50
AFLAC (Pre-tax)	5.97	53.73
AFLAC (Post-tax)	19.85	178.65
Total Deductions	36.32	326.88

Benefits	Hours	Amount	YTD Hrs	YTD Amt

Accruals	Dollars

PAYROLL BY **CompuPay®**

Babbo LLC
110 Waverly PL
NEW YORK, NY 10011

Employee Number 5153

AMANDA READE STURGEON

Check Number 46920
Net Pay 796.51
Check Amount 796.51
Division Beverage
Department 400

Earnings Statement

Check Date: January 23, 2009
Period Beginning: January 12, 2009
Period Ending: January 18, 2009

Earnings	Rate	Hours	Amount	YTD Hrs	YTD Amt
Reg	4.8600	40.00	194.46	160.00	891.81
Chg Tips	0.0000		959.54		3724.19
Meals	0.0000		10.50		42.00
Total Gross Pay		40.00	1164.50	160.00	4658.00

Taxes	Status	Taxable	Amount	YTD Amt
Medicare		1148.03	16.65	66.59
OASDI		1148.03	71.18	284.71
New York, NY (Res)	S/3	1148.03	34.18	136.72
Federal Income Tax	S/3	1148.03	151.19	604.76
New York SITW	S/3	1148.03	57.87	231.48
NY Disability - EE		1164.50	0.60	2.40
Total Tax Withholding			331.67	1326.66

Direct Deposits	Account	Amount
No Direct Deposits		

Deductions	Amount	YTD Amt
Qualified Meals	10.50	42.00
AFLAC (Pre-tax)	5.97	23.88
AFLAC (Post-tax)	19.85	79.40
Total Deductions	36.32	145.28

Benefits	Hours	Amount	YTD Hrs	YTD Amt
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Accruals	Dollars
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PAYROLL BY CompuPay®

Babbo LLC
 110 Waverly PL
 NEW YORK, NY 10011

Employee Number

5153

Check Number

47083

Net Pay

796.51

Check Amount

796.51

Division

Beverage

Department

400

Earnings Statement

Check Date: February 06, 2009

Period Beginning: January 26, 2009

Period Ending: February 01, 2009

AMANDA READE STURGEON

Earnings	Rate	Hours	Amount	YTD Hrs	YTD Amt
Reg	4.6000	40.00	184.00	240.00	1259.81
Chg Tips	0.0000		970.00		5664.19
Meals	0.0000		10.50		63.00
Total Gross Pay		40.00	1164.50	240.00	6987.00

Taxes	Status	Taxable	Amount	YTD Amt
Medicare		1148.03	16.65	99.88
OASDI		1148.03	71.18	427.07
New York, NY (Res)	S/3	1148.03	34.18	205.08
Federal Income Tax	S/3	1148.03	151.19	907.14
New York SITW	S/3	1148.03	57.87	347.22
NY Disability - EE		417.50	0.60	3.60
Total Tax Withholding			331.67	1989.99

Direct Deposits	Account	Amount
No Direct Deposits		

Deductions	Amount	YTD Amt
Qualified Meals	10.50	63.00
AFLAC (Pre-tax)	5.97	35.82
AFLAC (Post-tax)	19.85	119.10
Total Deductions	36.32	217.92

Benefits	Hours	Amount	YTD Hrs	YTD Amt
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Accruals

Dollars

PAYROLL BY

CompuPay®